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# Ex. 5 Deliberative Process (DP)

Subject: News Articles (For EPA Distribution Only)

## BNA DAILY ENVIRONMENT REPORT ARTICLES

**CONGRESS' FALL AGENDA:** Congress is expected to hammer out details on a broad bill addressing agriculture-related programs in the weeks ahead—but most other environment- and energy-related legislation is likely to fall by the election-year wayside.

With few energy and environmental bills moving on their own, lawmakers are likely to try to find other must-pass vehicles to seek to attach their proposals. One example is a bill that would create a task force to look into improving the ways federal agencies help cities and towns manage their stormwater runoffs.

Look for more on the status of environment, energy, regulatory, and agriculture legislation in Bloomberg Environment's [Hill Watch](#).

<https://news.bloombergenvironment.com/environment-and-energy/senators-scrutinize-kavanaugh-congress-fall-agenda-san-franciscos-climate-summit-24?context=landing&limit=10&tab=news>

#### [Trump EPA Balanced Role With States: Retiring Texas Environment Head](#)

By Karn Dhingra

Posted Aug. 31, 2018, 3:47 PM

The Trump EPA has balanced the relationship between the states and the federal government, Texas' outgoing environment chief told Bloomberg Environment.

<https://news.bloombergenvironment.com/environment-and-energy/trump-epa-balanced-role-with-states-retiring-texas-environment-head?context=landing&limit=50&tab=news>

#### [EPA Region 1 Head Alex Dunn Named to Lead Chemical Safety Office](#)

By Tiffany Stecker

Posted Aug. 31, 2018, 2:48 PM

President Donald Trump will nominate a seasoned environmental lawyer to head what has become one of the most difficult jobs to fill at the Environmental Protection Agency

<https://news.bloombergenvironment.com/environment-and-energy/epa-region-1-head-alex-dunn-named-to-lead-chemical-safety-office?context=landing&limit=50&tab=news>

### **GREENWIRE ARTICLES**

#### **Trump picks leaders for Park Service, EPA chemicals office**

[Rob Hotakainen](#) and [Corbin Hiar](#), E&E News reporters



Published: August 31, 2018 at 3:05 PM

David Vela. NPS

The White House said today the president had picked David Vela, the superintendent of Grand Teton National Park, to become the new director of the National Park Service and Alexandra Dapolito Dunn to lead EPA's Office of Chemical Safety and Pollution Prevention.

### **When industry has concerns, this EPA team's all ears**

Maxine Joselow, E&E News reporter

Published: Friday, August 31, 2018



EPA launched Smart Sectors in October of last year. @DaisOfOurLives/Twitter

When industry groups fret about environmental regulation, they call EPA's Smart Sectors program.

"I think it's a good opportunity to have a person at EPA that we can call if there are questions," a trade group executive said in a recent interview. "Generally speaking, the program was set up to be kind of an opportunity for greater interaction between industry and EPA toward a mutually beneficial outcome."

EPA launched Smart Sectors last year as part of a planned restructuring of its policy office. The goal was to "re-examine how EPA engages with industry," according to a *Federal Register* notice (Greenwire, Sept. 25, 2017).

## IG to look at scientific integrity policy

Kevin Bogardus, E&E News reporter

Published: Friday, August 31, 2018



EPA headquarters in Washington. U.S. EPA/Flickr

EPA's internal watchdog will review the agency's scientific integrity policy.

The EPA Office of Inspector General said in a [notice](#) dated yesterday that it will start "preliminary research" into whether the agency is implementing the science policy as intended.

The review will delve into employees' concerns about scientific integrity at EPA, whether employees are aware of the policy, why potential violations may not be reported and the adjudication process for resolving complaints.

"The anticipated benefits of this project are to identify and address any barriers to achieving the Scientific Integrity Policy's stated purpose, which is 'to ensure scientific integrity throughout the EPA and promote scientific and ethical standards, including quality standards; communications with the public; the use of peer review and advisory committees; and professional development,'" said the project notice, which was signed by Patrick Gilbride, director of the environmental research programs directorate in the IG's audits office.

<https://www.eenews.net/greenwire/2018/08/31/stories/1060095563>

**INSIDEEPA.COM ARTICLES**

#### Critics Vow Suit Over EPA's RMP Rollback Plan, Citing Scrapped Delay Rule

Environmentalists and Democratic-led states are threatening to sue EPA if the agency does not drop its plan to roll back the Obama-era rule strengthening the agency's facility accident prevention program, citing the recent appellate ruling vacating EPA's measure delaying the rule's implementation.

#### NRDC Drops TSCA Suit But Vows 'Heightened Vigilance' On New Chemicals

Environmentalists have dropped their suit over EPA's draft framework for reviewing new chemicals under the Toxic Substances Control Act (TSCA) after a top official said it has not been implemented as planned, but the groups are still pledging "heightened vigilance" of administration and industry efforts to scale back oversight of the substances.

#### House Energy Democrats Renew Calls For TSCA Oversight Hearing

House Democrats are renewing their calls for a committee hearing on EPA's implementation of the revised toxics law, signaling the likelihood that such a hearing will be a priority if Democrats take control of the House in the upcoming November elections, though Trump administration plans to nominate a toxics office chief may delay that.

#### Trump Nominates EPA Region 1 Chief Alexandra Dunn To Lead Toxics Office

President Donald Trump has formally announced his intent to nominate EPA Region 1 chief Alexandra Dunn as the head of the agency's Office of Chemical Safety and Pollution Prevention (OCSPP), tapping the former state and industry representative to lead the office that is overseeing implementation of the revised toxics law.

#### D.C. Circuit Schedules Oral Argument In TSCA Inventory Rule Litigation

The U.S. Court of Appeals for the District of Columbia Circuit has scheduled oral argument for Oct. 12 to hear environmentalists' challenge over the Trump EPA's final rule implementing Congress' 2016 changes to the Toxic Substances Control Act (TSCA) and how it governs the inventory of existing chemicals.

#### Appellate Judges Query Moving PCB Tort Case From State To Federal Court

Appellate judges are raising questions about efforts by Monsanto to move state tort litigation seeking damages and cleanup costs from polychlorinated biphenyl (PCB) contamination from state to federal court, especially the company's claim that because federal officials controlled the PCBs the company produced, the case belongs in federal court.

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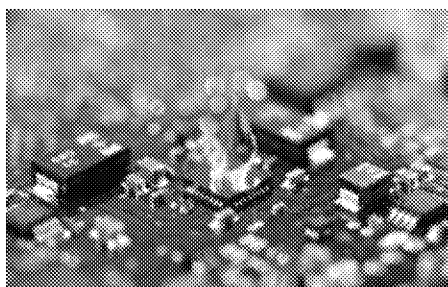
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### **CHEMICAL WATCH ARTICLES**

#### **UK backs authorisation route for dechlorane plus**

Not enough information for REACH restriction, RMOA concludes

4 September 2018 / Alternatives assessment & substitution, Europe, REACH, SVHCs, United Kingdom



The UK has said it prefers the REACH authorisation route rather than restriction to regulate the SVHC dechlorane plus in the EU.

The UK's comments come in a risk management option analysis (RMOA) conclusion document finalised in July and recently published by Echa.

Dechlorane plus is used in adhesives, sealants and binding agents, and as a non-plasticising flame retardant. It was added to the REACH candidate list in January because of its very persistent and very bioaccumulative (vPvB) properties. This means it will eventually be subject to authorisation.

According to Echa, some SVHCs can face both authorisation obligations and restrictions – some uses are restricted, while others require authorisation. For example, certain chromium compounds are on both authorisation and restriction lists because they are restricted in leather articles.

The RMOA process helps authorities decide whether further regulatory risk management activities are needed for a substance and to identify the most appropriate instrument to address a concern.

In this case the UK said it "does not currently favour" restriction because the level of risk is uncertain due to the lack of detailed information about:

- all uses;
- amounts in articles;
- actual emissions;
- substitution potential; and
- the "generally low" concentrations found in the European environment.

This would also make it difficult to assess its relative costs and benefits, it said.

Restricting the chemical under REACH "might result in multiple derogations and perhaps long transitional periods". On balance, the UK said it prefers the authorisation route "because it places the responsibility on industry to provide the arguments about why they continue to need this substance".

RMOAs usually take place before the regulatory risk management process under REACH is initiated, for example when considering inclusion in the candidate list. However, as they are a voluntary step, and not part of the processes as defined in the legislation, the submitting member state can choose when to conduct and submit them, Echa told Chemical Watch.

### **Next steps**

Now that dechlorane plus is included in the candidate list, Echa may prioritise it for inclusion in Annex XIV – the authorisation list – in due course. Echa or the Commission could then consider a restriction for articles after the conclusion of the authorisation application process, the UK said.

Once the compliance check is complete and if an additional hazard is identified consistent with persistent organic pollutant (POP) designation, the UK said the European Commission could seek an EU restriction to avoid implementation difficulties in the case of a subsequent POPs nomination. This activity should be completed before a final decision is made on the addition to Annex XIV, the UK added.

### **Market presence**

Dechlorane plus is imported into the EU from China and has one active registrant – the only representative – supplying quantities of 10-100 tonnes/year, the UK said.

Based on the registration information, "it seems likely", it added, that annual EU emissions to water will be "well below" 200kg. A small number of non-EU companies also sell the substance, so there could be a "handful" of other EU importers of less than 100 tonnes/year.

Final registrant numbers will be clarified in September, once Echa finishes its completeness check of [REACH 2018](#) registrations.

The substance is also likely to enter the EU in imported articles. But there is no information available about numbers, types or amounts, "so the emissions, and therefore risks, cannot be established with any certainty".

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## OTHER ARTICLES

[Better communication can enhance US chemical exposure incident response, new evaluation says](#)

Science Codex

Better communication can enhance US **chemical** exposure incident ... process **and** limit **toxic** exposure, especially for children, the elderly **and** the ...

[Plastic pile-up: What was life like before plastic was invented and how did it become so much a ...](#)

Hindustan Times

They take up landfill spaces, enter water bodies and in the process of degrading, release **toxic chemicals** which mix with the soil and water and are a ...

['Apolitical' New England EPA head nominated to lead office overseeing chemical, pollution safety](#)

The Boston Globe

... to a statement from the EPA released Friday. The office is tasked with protecting the public from potential risks from pesticides and **toxic chemicals**.

[Trump Taps EPA Regional Head To Lead Chemical Safety Office - Law360](#)

[EWG Statement on the EPA Nomination of Alexandra Dapolito Dunn - Environmental Working Group](#)

[Full Coverage](#)



